

PD-1032-20 & PD-1033-20

In the Texas Court of Criminal Appeals

FILED
COURT OF CRIMINAL APPEALS
3/24/2021
DEANA WILLIAMSON, CLERK

ZENA COLLINS STEPHENS,
Petitioner,

v.

THE STATE OF TEXAS.

On Petition for Discretionary Review
from the First Court of Appeals, Houston

**UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE THE STATE'S BRIEF**

The State of Texas moves to extend the deadline for filing its respondent's brief by thirty days, until May 12, 2021, pursuant to Texas Rule of Appellate Procedure 10.5(b).

I

The Court granted the petition for discretionary review in these combined cases on February 10, 2021, making Petitioner Zena Stephens' brief due on March 12, 2021. *See* Tex. R. App. P. 70.1. The State's brief is, therefore, due on April 12, 2021. *Id.* R. 70.2. The State requests a 30-day extension, creating a new deadline of May 12, 2021. This is the State's first request for an extension of this deadline.

II

This extension is not sought for delay, but to accommodate the schedule of the State's counsel, Judd Stone. Mr. Stone's recent and upcoming deadlines include:

- **March 17** – Filed complaint in the Southern District of Texas in *Texas v. Biden*, No. 3:21-CV-00065;
- **March 19** – Filed intervention and stay application in the United States Supreme Court in *Texas v. Cook County*;
- **March 23** – Brief in opposition due in the United States Supreme Court in *PHI Air Medical v. Texas Mutual Insurance Company*, No. 20-748;
- **March 31** – Amicus brief due in the United States Supreme Court in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, No. 20-1199;
- **April 21** – Amicus brief due in the United States Supreme Court in *North American Mission Board of the Southern Baptist Convention, Inc. v. McRaney*, No. 20-1158;
- **April 28** – Supplemental en banc brief due in the Fifth Circuit in *Daves v. Dallas County*, No. 18-11368; and
- **April 29** – Oral argument in the Fifth Circuit in *Texas Democratic Party v. Hughs*, No. 20-50683.

Additionally, Beth Klusmann, who represented the State in the court of appeals and continues to assist with the case, had a death in the family and will be out of the office for portions of this week and the next. Mr. Stone therefore requests more time to prepare a thorough brief that will be helpful to the Court. As indicated in the certificate of conference, this motion is not opposed.

III

For these reasons, the State respectfully requests that the Court grant a thirty-day extension to file its respondent's brief, creating a new deadline of May 12, 2021.

Respectfully submitted.

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CERTIFICATE OF CONFERENCE

On March 22, 2021, my office contacted Chad W. Dunn and Russell Wilson II, counsel for Petitioner Zena Collins Stephens, by email about this requested extension. Mr. Wilson stated that they were unopposed.

/s/ Judd E. Stone II
JUDD E. STONE II

CERTIFICATE OF SERVICE

On March 23, 2021, this document was served electronically on Chad W. Dunn, via chad@brazilanddunn.com, and Russell Wilson II, via russell@russellwilsonlaw.com, counsel for Petitioner Zena Collins Stephens.

/s/ Judd E. Stone II
JUDD E. STONE II

Automated Certificate of eService

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Associated Case Party: ZenaCollinsStephens

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